



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,875	06/15/2000	Yoshiro Yoda	00442/LH	8911

7590

02/17/2004

Frishauf Holtz Goodman Lnager & Chick PC
25th Floor
767 Third Avenue
New York, NY 10017-2023

EXAMINER

TILLERY, RASHAWN N

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,875

Applicant(s)

YODA, YOSHIRO

Examiner

Rashawn N Tillery

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10,14-15 is/are allowed.
- 6) ☒ Claim(s) 1,3-7 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2,4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tullis (US6535243).

Regarding claim 1, Tullis discloses, in figure 2, an electronic camera system comprising:

an electronic camera (40) for converting an image obtained by sensing into a file and recording the file;

a first communication device (72) attached to the electronic camera to transmit the image file recorded in the electronic camera upon receiving base station identification information of a master unit in position registration processing according to movement (Tullis is capable of broadcasting signals that designate availability of a host

Art Unit: 2612

computer), the first communication device being registered in the master unit as a subsidiary unit (see col. 5, lines 13-41);

a second communication device (10) for transferring the image file sent in position registration processing of the first communication device, the second communication device serving as the master unit in which the first communication device is registered as the subsidiary unit in advance (see col. 5, lines 42-61); and

a recording apparatus (16) connected to the second communication device to record the image file transferred from the second communication device.

The examiner notes that Applicant's claim language is currently written broadly enough where a broad interpretation of the prior art reference could read on it. For instance, there is no distinguishable difference in a private base station and a public base station as described on page 15 of the specification.

Regarding claim 3, Tullis discloses the electronic camera transmits only an image unrecorded in the recording apparatus to the recording apparatus through the first communication device and the second communication device (Tullis is capable of directly transmitting a captured image to the host computer for storage; see col. 6, lines 34-44).

Regarding claim 4, Tullis inherently discloses the second communication device controls a power supply of the recording apparatus in position registration processing for the first communication device since when Tullis' host computer is powered off, the camera is unable to transmit image data.

Regarding claim 5, Tullis discloses, in figure 2, an electronic camera comprising:

Art Unit: 2612

recording means (52) for recording an image obtained by sensing as an image file; and

transmission means (72) for transmitting the image file recorded in the recording means upon receiving base station identification information of a master unit in position registration processing according to movement (Tullis is capable of broadcasting signals that designate availability of a host computer), the master unit having registered a self device as a subsidiary unit,

wherein the image file is recorded in a recording apparatus of the master unit upon being transmitted to the master unit by the transmission means (see col. 5, line 62 to col. 6, line 12).

Regarding claim 7, Tullis discloses the transmission means transmits only an image unrecorded in the recording apparatus to the master unit (Tullis is capable of directly transmitting a captured image to the host computer for storage; see col. 6, lines 34-44).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2612

1. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis in view of Wakui (US6262767).

Regarding claims 2 and 6, Tullis discloses wirelessly transmitting image data from a hand-held digital camera to a host computer. Tullis does not expressly disclose automatically erasing the image data from memory upon transfer of the data from the camera to the computer. Wakui teaches a camera wirelessly controlled by a remote controller. Wakui reveals that it is well known in the art to automatically erase image data after it has been transmitted to the remote controller (see col. 16, lines 9-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Wakui's teachings. One would have been motivated to do so in an effort to reserve memory space in the camera.

2. Claims 11-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tullis in view of Fukuoka (US6104430).

Regarding claim 11, Tullis discloses, in figure 2, an electronic camera for storing image sensing data in nonvolatile storage means (52), comprising:

a communication unit (72); and connection means (see col. 5, lines 13-18) for integrally connecting the communication unit to the electronic camera main body, wherein the communication unit transfers the image sensing data stored in the nonvolatile storage means to a predetermined partner (10) through the communication unit only when direct communication with the predetermined partner is possible (Tullis is capable of broadcasting signals that designate availability of a host computer).

Tullis does not expressly disclose a communication unit capable of performing

Art Unit: 2612

data communication compatible to a handyphone system. Fukuoka's camera is capable, via the input/output card, of being connected to a telephone line, public service network or wireless phone (see col. 3, line 60 to col. 4, line 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Fukuoka's teachings in an effort to inexpensively transfer images from a hand-held camera phone to a remote storage device.

Regarding claim 12, Tullis discloses wirelessly transmitting image data from a hand-held digital camera to a host computer. Tullis' camera is integrally connected to a transceiver. Tullis does not expressly disclose the communication unit is detachably connected to the camera body. Fukuoka teaches a digital camera with a detachable input/output card for transmitting image data. Fukuoka's camera is capable, via the input/output card, of being connected to a telephone line, public service network or wireless phone (see col. 3, line 60 to col. 4, line 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Fukuoka's teachings in an effort to inexpensively transfer images from a hand-held camera to a remote storage device.

Regarding claim 13, Tullis discloses the predetermined partner is a base unit which has a unique identification code and a predetermined storage unit (16) and is capable of data communication compatible to the handy phone system and which performs data communication with the electronic camera and stores the transferred image sensing data in the predetermined storage unit (see col. 5, lines 52-60).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawamura et al teach an electronic camera capable of wirelessly transferring image data; Ray teaches wireless communication terminal having video image capability.

Allowable Subject Matter

Claims 8-10 and 14-15 are allowed.

Regarding claims 8 and 14, the prior art does not teach or fairly suggest an electronic camera comprising recording means, means for determining whether a base station is registered as a subsidiary unit, means for transmitting a file name of the image file recorded in the recording means to the master unit and receiving a file name of an untransmitted image file from the master unit and means for transmitting an image file corresponding to the received file name of the untransmitted image file to the master unit.

Regarding claim 10, the prior art does not teach or fairly suggest an electronic camera system comprising an electronic camera and a personal handy phone unit, wherein the electronic camera comprises image sensing means, a memory card and a control section; the personal handy phone unit transmits a file name of the image file recorded in the memory card and sent from the control section to the master unit and receives a file name of an untransmitted image file from the master unit transmits an image file corresponding to the received file name of the untransmitted image file to the

Art Unit: 2612


control section and transmits the image file found by the search transmitted from the control section to the master unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600